

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>TYRONE MORROW, SR.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 1:16-cv-197-SPB-RAL</b>
	)	
<b>WILLIAM MARUCCI, II, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM ORDER**

This action was commenced on August 1, 2016 with the filing of Plaintiff's nine-count complaint. ECF No. 1. On December 5, 2016, the case was referred to the undersigned, then a United States Magistrate Judge, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On September 14, 2018, the undersigned was sworn in as a United States District Judge. Three days later, this action was transferred to the undersigned as presiding judge. ECF No. 54. On September 27, 2018, the case was referred to United States Magistrate Judge Richard A. Lanzillo for all pretrial proceedings. ECF No. 55.

On January 11, 2019, Defendants filed a motion for partial summary judgment and supporting materials. ECF Nos. 58, 59, 60, 61, 62. In their motion, Defendants seek summary judgment relative to Counts I, V, VI, and VII of the Complaint. ECF No. 58. Plaintiff filed his responsive papers on January 25, 2019. ECF Nos. 66, 67, 68, 69. Defendants submitted their reply and related filings on February 8, 2019. ECF No. 70, 71, 72. Finally, Plaintiff filed a response to Defendants' Sur-Reply Concise Statement of Facts on April 5, 2019. ECF No. 75.

On April 24, 2019, Magistrate Judge Lanzillo held an oral argument on Defendants' motion for partial summary judgment. ECF No. 76. Counsel for Plaintiff did not appear at that argument.

On May 1, 2019, Magistrate Judge Lanzillo issued a report and recommendation that the Defendants' motion be granted and judgment be entered in their favor as to Counts I, V, VI, and VII. ECF No. 78. Objections to the report and recommendation were originally due by May 1, 2019; however, that deadline was later extended to August 1, 2019. ECF No. 81. To date, no objections have been received.

After *de novo* review of the Complaint and documents in the case, together with the Magistrate Judge's report and recommendation, the following order is entered:

AND NOW, this 6<sup>th</sup> day of August, 2019;

IT IS ORDERED that the Defendants motion for partial summary judgment be, and hereby is, GRANTED as to Counts I, V, VI, and VII of the Complaint. In accordance with Federal Rule of Civil Procedure 58, JUDGMENT is hereby entered in favor of the Defendants William Marucci, II and Patrick Ginkel, and against Plaintiff Tyrone Morrow, Sr., as to Counts I, V, and VI of the Complaint. JUDGMENT is hereby entered in favor of Defendant the City of Erie, and against Plaintiff Tyrone Morrow, Sr., as to Count VII of the Complaint.

IT IS FURTHER ORDERED that the report and recommendation of Magistrate Judge Lanzillo, issued on May 1, 2019, ECF No. 78, is adopted as the opinion of the court.

/s/ Susan Paradise Baxter

SUSAN PARADISE BAXTER  
United States District Judge